

thority and show all special funds and other funds and the law authorizing same, and said suggested changes to be for economy and for the purpose of reducing clerical forces. Said auditor and efficiency expert shall file an annual report with the Governor, and he shall also furnish the Governor with a copy of the biennial report prepared for the Legislature. In all reports furnished to the Legislature said auditor and efficiency expert shall embrace copies of any reports or recommendations furnished to the head of any department since the last preceding report made to the Legislature.

Sec. 6. Assistants. In the event said Auditor shall find it necessary to have assistance in the discharge of the duties herein imposed upon him, he may apply to the Governor, the Speaker of the House and the Lieutenant Governor for such assistance and they are hereby authorized, in their discretion, to appoint such assistant or assistants, including stenographic and clerical assistance, as they may consider necessary, in order to accomplish the purposes of this Act.

Sec. 7. Compensation and Removal. The said Auditor shall devote his entire time to the discharge of the duties herein imposed upon him, shall maintain his office in the Capitol and the Board of Control is directed to furnish suitable quarters, supplies and stationery for said Auditor, and said Auditor shall receive for his services not to exceed the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars per annum, and necessary traveling expenses payable monthly in the same manner as other State officials are paid; and in the event of the appointment of an assistant or assistants, he, or they, shall each be paid not to exceed the sum of Four Thousand Two Hundred (\$4,200.00) Dollars per annum, payable monthly in the same manner as other State officials are paid, all salaries to be in the discretion of the appointing power, including compensation of stenographic and clerical assistance, subject only to the limitation herein imposed. Said Auditor or any assistant or employee under this Act may be removed or discharged at any time by the appointing power

and their respective positions filled by other appointments.

Sec. 8. Penalty. Any officer or person who shall refuse to permit the examination or access to the books, accounts, reports, vouchers, papers, documents or cash drawer or cash of his office, department, institution, board or bureau of the State to the State Auditor and Efficiency Expert, or who shall in any way interfere with such examination, shall be guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment in the county jail for not less than one (1) month nor more than twelve (12) months, or by both such fine and imprisonment.

Sec. 9. The fact that there is now no State Auditor and no official designated to audit and investigate the custodians of public funds and the various departments of the State Government creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended and said rule is suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTEENTH DAY.

Senate Chamber,
Austin, Texas,

Saturday, May 18, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Eugene Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Martin.
Parr.

Wirtz.
Woodward.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator DeBerry.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Neal:

S. B. No. 145, A bill to be entitled "An Act amending Section 6 of Chapter 234 of the General and Special Laws of the Regular Session of the Forty-first Legislature relating to courses of instruction in the Constitution of the United States in educational institutions of this State, so as to postpone the operation of said Act until on and after September 1, 1929; and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Senators Excused.

On motion of Senator Cousins. Senators Wirtz and Martin were excused for the day on account of important business.

On motion of Senator DeBerry. Senators Woodward and Parr were excused for the day on account of important business.

Bills Signed.

The Chair, President Pro Tem Eugene Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 62.
S. B. No. 51.
H. B. No. 80.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 61. H. B. No. 126.
H. B. No. 167. H. B. No. 120.

H. B. No. 189.	H. B. No. 55.
H. B. No. 175.	H. B. No. 159.
S. B. No. 48.	H. B. No. 162.
S. B. No. 49.	H. B. No. 77.
S. B. No. 50.	H. B. No. 19.
H. B. No. 65.	H. B. No. 100.
H. B. No. 142.	H. B. No. 117.
H. B. No. 95.	H. B. No. 101.
H. B. No. 168.	H. B. No. 179.
H. B. No. 209.	

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 23, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College, and declaring an emergency."

H. B. No. 208, A bill to be entitled "An Act to amend Title 55, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto Article 3769a; providing that in the trial of any civil suit or proceeding in any justice court, county court or district court of this State either the plaintiff or the defendant shall have the right to call as a witness the adverse party or parties and further providing that the answers of such adverse party as a witness shall not deprive the other party of the right to introduce other evidence or impeach the witness or the witness' testimony and further providing that in the examination of such adverse party as a witness, the questions asked may be leading."

By Senators Moore and Love:

S. B. No. 37, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; etc., and declaring an emergency."

With amendments.

By Senator Holbrook:

S. B. No. 48, A bill to be entitled "An Act to amend Article 377 of the Revised Civil Statutes of 1925."

S. B. No. 49, A bill to be entitled

"An Act to amend Article 415 of the Revised Civil Statutes of 1925."

S. B. No. 50, A bill to be entitled "An Act to amend Article 416 of the Revised Civil Statutes of 1925, as amended by Chapter 252 of the General Laws of the Regular Session of the Fortieth Legislature, regulating the class of securities for loans and investments of saving deposits, and declaring an emergency."

H. B. No. 204, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3 of the Constitution of the State of Texas into navigation districts under the reclamation and conservation provisions of Section 59 of Article 16 of the Constitution, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 23. The following members are appointed on the part of the House:

MORSE,
STOREY,
POPE of Nueces,
KING,
WADDELL,

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 25, A bill to be entitled "An Act authorizing the county board of trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; providing for the adjustment of outstanding indebtedness; repealing laws in conflict, and declaring an emergency."

H. B. No. 228, A bill to be entitled "An Act amending Article 6869 of

the Revised Civil Statutes of Texas, 1925, and declaring an emergency."

With engrossed rider.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. 13. The following members are appointed on the part of the House:

HOLDER,
SHAVER,
SANDERS,
STRONG,
JUSTISS.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 131, A bill to be entitled "An Act to better assure and protect the membership and subordinate lodges of fraternal benefit societies against sales and mergers of such societies without the consent of the local lodges, and to provide a legal way whereby same may be done when it is desired to change such society into a mutual or stock company; providing ways and means for securing the approval of the members of such societies, as represented by the subordinate branches; giving the members preference in the way of stock ownership or mutual participation; and providing for a fair distribution of same among the membership; providing further that the new company so incorporated shall succeed to all contracts, liabilities and property rights of the former society, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt Senate Concurrent Resolution No. 12.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 4, A bill to be entitled "An Act to amend Articles 2745, 2747, Revised Statutes, 1925, pertaining to the term of office of trustees in common school districts; providing for filling vacancies in said office; repealing all laws in conflict therewith, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 37. The following members are appointed on the part of the House:

PURL,
LEMENS,
KEMBLE,
KELLER,
STOREY.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Requested.

Senator Love moved that the Senate refuse to concur in the House Amendments to S. B. No. 37 and ask for a Free Conference Committee. The motion prevailed.

The Chair appointed the following on the part of the Senate:

Senators Love, Moore, Witt, Russek, Hardin.

House Bills Referred.

H. B. No. 204 referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 208, referred to Committee on Civil Jurisprudence.

H. B. No. 23 referred to Committee on Civil Jurisprudence.

H. B. No. 131 referred to Committee on Insurance.

H. B. No. 25 referred to Committee on Educational Affairs.

H. B. No. 228 referred to Committee on Civil Jurisprudence.

H. B. No. 4 referred to Committee on Educational Affairs.

Committee Report Adopted.

On motion of Senator Moore, the report of the Committee appointed to investigate the Land Office was adopted.

Motion to Not Print.

On motion of Senator Williamson, H. B. No. 104 was ordered not printed because the Senate bill on the same subject has already been printed.

House Bill No. 155.

The Chair laid before the Senate as special order the following bill:

By Mr. Beck:

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of House Bill No. 50, of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term motor bus company."

Read third time.

Senator Love moved the previous question on the final passage of the bill. The motion prevailed.

The bill finally passed by the following vote:

Yeas—16.

Hardin.	Neal.
Holbrook.	Parrish.
Hornsby.	Patton.
Hyer.	Pollard.
Love.	Thomason.
Moore.	Westbrook.
Woodul.	Williamson.

Nays—1.

Miller.

Present—Not Voting.

Berkeley.

Cousins.

Absent.

McFarlane.

Absent—Excused.

Woodward.

(Pairs Recorded.)

Senator DeBerry (present), who would vote nay with Senator Beck (absent), who would vote yea.

Senator Cunningham (present), who would vote nay with Senator Greer (absent), who would vote yea.

Senator Gainer (present), who would vote yea with Senator Martin (absent), who would nay.

Senator Russek (present), who would vote nay with Senator Small (absent), who would vote yea.

Senator Stevenson (present), who would vote yea with Senator Parr (absent), who would vote nay.

Senator Witt (present), who would vote yea with Senator Wirtz (absent), who would vote nay.

Senate Bill No. 93.

The Chair laid before the Senate on third reading the following bill:

By Senator Moore:

S. B. No. 93, A bill to be entitled "An Act declaring that the business of manufacturing, delivering and distributing ice is affected with a public interest and prescribing how the conduct of such business shall be regulated in the public interest, etc., and declaring an emergency."

Read third time.

Senator Parrish moved the previous question on the final passage of the bill. The motion prevailed.

The bill finally passed by the following vote:

Yeas—15.

Cousins.	Patton.
DeBerry.	Russek.
Gainer.	Stevenson.
Hardin.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Moore.	Witt.
Parrish.	

Nays—6.

Berkeley.	Love.
Cunningham.	Pollard.
Holbrook.	Woodul.

Absent.

Beck.

Miller.

Greer.

Neal.

Martin.

Small.

McFarlane.

Absent—Excused.

Parr.

Woodward.

Wirtz.

Senator DeBerry moved to reconsider the vote by which the bill finally passed.

Senator Moore moved to table the motion. The motion to table prevailed by the following vote:

Yeas—15.

Gainer.	Russek.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Moore.	Williamson.
Neal.	Witt.
Parrish.	Woodul.
Patton.	

Nays—6.

Berkeley.	Holbrook.
Cunningham.	Love.
DeBerry.	McFarlane.

Present—Not Voting.

Martin.	Wirtz.
Parr.	Woodward.

Absent—Excused.

Beck.	Pollard.
Cousins.	Small.
Greer.	Miller.

Reason for Vote.

Senator DeBerry received unanimous consent to have printed in the Journal his reason for voting yea on the final passage of S. B. No. 93.

(See Appendix).

Senate Bill No. 36.

The Chair laid before the Senate on second reading the following bill:

By Senators Moore and Love:

S. B. No. 36, A bill to be entitled "An Act to regulate the business in insurance on what is known as the Lloyd's plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 36 was put on its third reading and finally passage, by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Parr.	Woodward.
Wirtz.	

Recess.

On motion of Senator Russek, the Senate, at 12:15 o'clock p.m., recessed until 2:00 o'clock p.m.

After Recess.

The Senate met at 2:00 o'clock p.m., and was called to order by Lieutenant Governor Barry Miller.

House Bill No. 182.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 182, A bill to be entitled "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to six million dollars or more and in addition flood protection bonds amounting to one million dollars or more, and providing for the employment of a stenographer for such judges, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 182 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 183.

The Chair laid before the Senate the following bill:

By Mr. Hornaday:

H. B. No. 183, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the tax rolls of 1928 on file in the office of the State Comptroller, repealing all laws in conflict therewith, and declaring an emergency."

On motion of Senator Stevenson, the rule requiring Committee reports to lie over one day was suspended by unanimous consent.

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 183 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Neal.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Witt.
Russek.	Woodul.
Stevenson.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 91.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 91, A bill to be entitled "An Act relating to banks and bank and trust companies; enacting provisions to prevent false advertisement of the condition of banks and bank and trust companies, and providing penalties and forfeiture, and declaring an emergency."

The Committee report was adopted.

Read second time.

Senator Holbrook sent up the following amendments:

Amend House Bill No. 91 by striking out Section 1 of the bill and substituting therefor the following:

"Section 1. Any officer, director or stockholder of any State bank or State bank and trust company doing business under the laws of this State, or any person acting for such bank or bank and trust company, who shall write, print, publish or advertise in any manner, or shall cause to be written, printed, or advertised in any manner, any false statement pertaining to the financial condition of such bank or bank and trust company, shall be fined not less than one hundred dollars nor more than one thousand dollars, or be confined in the county jail not less than three months nor more than twelve months, or both such fine and imprisonment."

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 91 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Cunningham.
Cousins.	DeBerry.

Gainer.	Parrish.
Greer.	Patton.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Miller.	Witt.
Moore.	Woodul.
Neal.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 92.

The Chair laid before the Senate
on second reading the following bill:

H. B. No. 92, A bill to be entitled
"An Act relating to banks and bank
and trust companies; amending Ar-
ticle 535, Revised Civil Statutes of
1925, and prescribing the method
of transfer of stock of banks and
bank and trust companies, making
the record owner liable as stock-
holder; and providing for the join-
ing of transferrer and transferee of
stock in case of suit, and declaring
an emergency."

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Holbrook
the constitutional rule requiring bills
to be read on three several days was
suspended and H. B. No. 92 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parrish.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 93.

The Chair laid before the Senate
on second reading the following bill:

H. B. No. 93, A bill to be entitled
"An Act relating to banks and bank
and trust companies; enacting Ar-
ticle 517a, Revised Civil Statutes of
1925, and providing against pref-
erences in favor of depositors of
banks and bank and trust compan-
ies by pledging the assets of such
corporations, and declaring an emer-
gency."

The committee report was adopted.

Senator Hornsby sent up the fol-
lowing amendment:

Amend H. B. No. 93 by adding
after the word "statutes," in the sec-

ond line of Article No. 517-A, the following:

"Or except in case of a deposit of public funds."

HORNSBY.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 93 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 211.

The Chair laid before the Senate on second reading the following bill:

By Mr. Gilbert:

H. B. No. 211, A bill to be entitled "An Act authorizing the commissioners court of any county in this State having a population of not less than 11,800 and not more than 12,000, according to the last preceding Federal Census, to pay a bounty on wolves, wildcats, and other predatory animals within said counties, and providing for the levy of taxes at a rate not to exceed one-fourth of one mill on the total assessed valuation of the county for the purpose of creating a fund out of which to pay said bounties, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Cunningham the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 211 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Free Conference Report Adopted.

Senator Love sent up the following Free Conference Committee Report:

Committee Room,
Austin, Texas, May 17, 1929.
Hon. Barry Miller, President of the Senate,
Hon. W. S. Barron, Speaker of the House.

Sirs: We, your Conference Committee, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of Mutual Insurance Companies; etc., and declaring an emergency."

Have had the same under consideration, and we recommend that the House amendment to S. B. No. 37 be not agreed to, but that the bill be passed without such amendment.

On the part of the Senate:

LOVE,
WITT,
HARDIN,
MOORE,
RUSSEK.

On the part of the House:

PURL,
STOREY,
KEMBLE,
KELLER,
LEMENS.

Read and adopted by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Senate Bill No. 145.

The Chair laid before the Senate on second reading the following bill:

By Senator Neal:

S. B. No. 145, A bill to be entitled "An Act amending Section 6 of Chapter 234 of the General and Special Laws of the Regular Session of the Forty-first Legislature relating to courses of instruction in the Constitution of the United States in educational institutions of this State so as to postpone the operation of said Act until on and after September 1, 1929; and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 145 was put on its second reading by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 145 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Holbrook.
Cousins.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Neal.	Thomason.
Parrish.	Westbrook.
Patton.	Williamson.
Pollard.	Witt.
Russek.	Woodul.
Stevenson.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 220.

The Chair laid before the Senate
the following bill:

H. B. No. 220, A bill to be entitled
"An Act validating the actions of the
county board of school trustees in
changing boundary lines of common
school districts in counties having a
population of not less than 9000 nor
more than 9010 according to the
United States Federal Census of
1920; giving the county board of
school trustees in all counties au-
thority to make changes in all com-
mon school districts; providing in
case any provision of this Act shall
be held unconstitutional or invalid
then such holdings shall not affect
the remaining provisions, and de-
claring an emergency."

The rule requiring committee re-
ports to lie over 24 hours was sus-
pended by unanimous consent.

The committee report was adopted.

The bill was read second time and
passed to third reading.

On motion of Senator Cunningham
the constitutional rule requiring bills
to be read on three several days was
suspended and H. B. No. 220 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 194.

The Chair laid before the Senate
on its second reading the following
bill:

H. B. No. 194, A bill to be entitled
"An Act to amend Chapter 3, Title
67 of the Revised Civil Statutes of
Texas, by adding thereto Article
4056a, and by authorizing the Game,
Fish and Oyster Commissioner of
Texas to lease the islands, reefs and
waters within the tidewater limits

of Texas for occupation for hunting, bathing and fishing purposes."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 194 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 228.

The Chair laid before the Senate on its second reading the following bill:

By Mr. White and others:

H. B. No. 228, A bill to be entitled "An Act amending Article 6869 of the Revised Civil Statutes of Texas,

1925, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Greer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 228 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the follownig vote:

Yeas—23.

Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

Nays—2.

DeBerry.	Holbrook.
----------	-----------

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 23.

The Chair laid before the Senate the following bill:

H. B. No. 23, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural Mechanical and Industrial College; and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

The Committee report was adopted.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its second reading, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 84.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 84, A bill to be entitled "An Act to repeal Article 1066, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 84 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 85.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 85, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas, 1925, as amended by Chapter 104, Acts of the Forty-first Legislature, Regular Session, by omitting therefrom the concluding portion of Section 1, relating to the taxing, collecting and paying into the Treasury of fines and costs heretofore authorized for justices of the peace or judges, and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 85 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 86.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 86, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, Code of Criminal Procedure of Texas, 1925 amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature, so as to provide a trial fee of five dollars in both the justice and the trial courts in misdemeanor cases, and declaring an emergency."

The Committee report was adopted.

The bill was read second time.

Senator Patton sent up the following amendment:

Amend H. B. No. 86 by striking out of the last line in Sec. 1, the word "five" and insert in lieu thereof the word "three."

PATTON.

The amendment was read and adopted.

The bill as amended passed to third reading.

On motion of Senator Hornsby the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 86 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Free Conference Committee Report.

Senator Woodul sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, to whom was referred, S. B. No. 23, A bill to be entitled "An Act amending Article 6196 of the Revised Civil Statutes of 1925, so as to provide the manner and method of the discharge of convicts from the State Penitentiary; and declaring an emergency."

Have had the same as amended in the House Committee on Penitentiaries under consideration, and we are instructed to report it back to the Senate and the House of Representatives with the recommendation that it do pass with the following amendments to the House Committee amendments:

1. Amend Committee Substitute to Senate Bill No. 23 by inserting after the word "sentenced" in the sixth line of Section 1, the following: "or to such other county as hereinafter provided."

2. Amend Committee Substitute to Senate Bill No. 23, Section 1, by adding after the word "Board" in the 21st line the following: "and in addition the sum of three dollars as further travelling expense money."

3. Amend Committee Substitute to Senate Bill No. 23 by adding the following after the last sentence in Section 1: "Provided further that said convict shall be given a temporary certificate by the Board good for ten days, protecting said convict from molestation while travelling to the place of his discharge."

WOODUL,
HOLBROOK,
PARRISH,
DeBERRY,
STEVENSON.

On part of the Senate.
STOREY,
WADDELL,
KING,
POPE.

On part of the House.

Read and adopted by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 94.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 94, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 365, Revised Civil Statutes of Texas of 1925, so as to provide for the sale of stock to enforce payment of stock assessments in banks and bank and trust companies; etc., and declaring an emergency."

The committee report was adopted.

The bill was read third time and passed to third reading.

On motion of Senator Holbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 94 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 204.

The Chair laid before the Senate the following bill:

H. B. No. 204, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3 of the Constitution of the State of Texas, into navigation districts; etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 204 was put on its second reading by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 204 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Hyer.
Cousins.	Love.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 221.

The Chair laid before the Senate
the following bill:

H. B. No. 221, A bill to be entitled
"An Act creating and establishing
Cameron County Water Improvement
District No. 10, in Cameron County,
Texas, as a conservation and reclama-
tion district, under the provisions
of Section 59 of Article 16 of the
Constitution of Texas, for the pur-
pose of the reclamation and irriga-
tion of its arid, semi-arid and other
lands needing irrigation, reclamation
and drainage of its overflowed lands,
and other lands needing drainage,
and all other purposes as contem-
plated by said Section 59, of Article
16, of the Constitution of this State,
to be governed by the provisions of
Chapter 2, Title 128, of the Revised
Civil Statutes of Texas, Revision of
1925, and acts amendatory thereof
and supplementary thereto; describ-
ing said district by metes and
bounds, etc., and declaring an emer-
gency."

The rule requiring committee re-

ports to lie over 24 hours was sus-
pended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Stevenson
the constitutional rule requiring bills
to be read on three several days was
suspended and H. B. No. 221 was put
on its second reading by the follow-
ing vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and
passed to third reading.

On motion of Senator Stevenson
the constitutional rule requiring bills
to be read on three several days was
suspended and H. B. No. 221 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed
by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 222.

The Chair laid before the Senate the following bill:

H. B. No. 222, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. 11, in Cameron county, Texas, as a conservation and reclamation district, under the provisions of Section 59, of Article 16, of the Constitution of Texas, for the purpose of the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, reclamation and drainage of its overflowed lands, and other lands needing drainage, and all other purposes as contemplated by said Section 59, of Article 16, of the Constitution of this State, to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 222 was put on its second reading and passage, by the following vote:

Yeas—25.

Berkeley.	Hardin.
Cousins.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	McFarlane.

Miller.	Stevenson.
Moore.	Thomason.
Neal.	Westbrook.
Parrish.	Williamson.
Patton.	Witt.
Pollard.	Woodul.
Russek.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 222 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 223.

The Chair laid before the Senate the following bill:

H. B. No. 223, A bill to be entitled "An Act creating and establishing Cameron County Water Improvement District No. 12, in Cameron County, Texas, as a conservation and reclamation district, under the provisions of Section 59, of Article 16, of the Constitution of Texas, for the purpose of the reclamation and irrigation of its arid and semi-arid and other lands needing irrigation, reclamation and drainage, and all other purposes as contemplated by said Section 59, of Article 6, of the Constitution of this State, to be governed by the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, Revision of 1925, and acts amendatory thereof and supplementary thereto, etc., and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 223 was put on its second reading by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Stevenson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 223 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 192.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 192, A bill to be entitled "An Act dealing with the compensation of grand jury bailiff's pay of Bexar County, Texas, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 192 was put

on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 208.

The Chair laid before the Senate the following bill:

H. B. No. 208, A bill to be entitled "An Act to amend Title 55, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto Article 3769a; providing that in the trial of any civil suit or proceeding in any justice court, county court or district court of this State either the plaintiff or the defendant shall have the right to call as a witness the adverse party or parties and further providing that the answers of such adverse party as a witness shall not

deprive the other party of the right to introduce other evidence or impeach the witness or the witness' testimony and further providing that in the examination of such adverse party as a witness, the questions asked may be leading."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 208 was put on its second reading by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill was read second time and passed to third reading.

On motion of Senator Williamson the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 208 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed.

House Bill No. 129.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 129, A bill to be entitled "An Act providing for a rural school supervisor in lieu of the teachers institute, as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having a population of 37,000 to 37,800, according to the Federal Census of 1920, and a scholastic population of at least 10,000 as shown by the scholastic census report for the school year 1927-28, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Thomason the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 129 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Moore.
Cousins	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—25.

Berkeley.	Cousins.
-----------	----------

Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 15, A bill to be entitled "An Act to amend Articles 2743 and 2744 of the Revised Civil Statutes of 1925, relating to county line school districts, and declaring an emergency."

H. B. No. 203, A bill to be entitled "An Act creating a more efficient road system for Anderson County, Texas; providing that the county commissioners shall co-operate with the State Highway Department in the establishment, construction and maintenance of designated State highways to be paid for partly by the county and partly by the State or Federal government, and declaring an emergency."

H. B. No. 32, A bill to be entitled "An Act to provide that the transcribed notes of the official stenographer of the evidence in any civil case tried in any district or county court of this State may be read in evidence upon subsequent trial of any such case and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 19, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has concurred in Senate Amend-
ments to H. B. No. 155 by a vote of
74 yeas and 27 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has adopted the report of the Free
Conference Committee on S. B. No.
37 by a vote of 101 yeas and 2 nays
1 present and not voting.

The House has adopted the Free
Conference Committee Report on
S. B. No. 23 by a vote of 102 yeas
and 1 nay.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has refused to concur in Senate
Amendments to H. B. No. 86 and
requests the Senate for the appoint-
ment of a Free Conference Com-
mittee to adjust the differences be-
tween the two Houses. The follow-
ing are appointed as conferees on
the part of the House:

Woodall, Johnson of Dimmit, Har-
rison, Graves of Williamson, Storey.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 15 referred to Commit-
tee on Educational Affairs.

H. B. No. 203 referred to Commit-
tee on State Highways and Motor
Vehicles.

H. B. No. 32 referred to Commit-
tee on Civil Jurisprudence.

Bills Signed.

The Chair, Lieutenant Governor

Barry Miller, gave notice of signing
and did sign, in the presence of the
Senate, after their captions had been
read, the following bills:

H. B. No. 133.

H. B. No. 82.

H. B. No. 97.

House Bill No. 170.

Senator McFarlane moved to sus-
pend the rule requiring Committee
reports to lie over 24 hours and to
take up H. B. No. 170. The mo-
tion prevailed by the following
vote:

Yeas—17.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Stevenson.
Hornsby.	Williamson.
Hyer.	Woodul.
McFarlane.	

Nays—5.

Hardin.	Westbrook.
Russek.	Witt.
Thomason.	

Present—Not Voting.

Neal.

Absent.

Cousins.

Absent—Excused.

Beck.	Small.
Martin.	Woodward.
Parr.	

(Pat's Recorded.)

Senator Love (present), who
would vote yea with Senator Wirtz
(absent), who would vote nay.

The Chair laid before the Senate
the following bill:

By Mr. Stevenson and others:

H. B. No. 170. A bill to be entitled
"An Act providing for the appoint-
ment of a State Auditor, prescrib-
ing the qualifications and duties of
said Auditor; providing for his nec-
essary assistants and compensation,
and declaring an emergency."

The Committee report was adopted.

The bill was read second time.

Senator Witt sent up the following amendment:

Amend H. B. No. 170 by striking out Section No. 1 and inserting in lieu thereof the following:

"Section 1. Appointment: The Governor is hereby authorized and directed, immediately on the taking effect of this Act, to employ a certified public accountant, or accountants, of at least five years' experience as a certified public accountant, to make an audit of the departments and institutions of Government as hereinafter set out; and thereafter annually there shall be appointed by the Governor such auditor, or auditors, and a similar auditing had annually of said departments and institutions of the State Government."

The amendment was read.

Senator Pollard sent up the following amendment to the amendment:

Amend the amendment by striking out the word "certified."

POLLARD.

The amendment to the amendment was read.

Senator Moore moved to table the amendment to the amendment. The motion prevailed.

Senator McFarlane sent up the following substitute for the amendment:

Substitute Amendment H. B. 170.

Amend Section 1, Appointment. The Governor shall immediately on the taking effect of this Act, appoint an investigator of all custodians of public funds and disbursing officers of this State and personnel of Departments, the title of said officer to be State Auditor and Efficiency Expert, who shall be a certified public accountant and such appointment shall be for a term of two years, or, until his successor is appointed and qualified and shall be subject to confirmation by the Senate.

McFARLANE.

The substitute was read and adopted.

Senator Witt sent up the following amendment to the amendment as substituted:

Amend the amendment as substituted so as to require the said auditor to have at least five years experience as a certified public ac-

countant immediately preceding his appointment.

WITT.

The amendment was read and adopted.

The amendment as substituted and amended was adopted by the following vote:

Yeas—16.

Greer.	Patton.
Holbrook.	Pollard.
Hornsby.	Russek.
Hyer.	Thomason.
Love.	Westbrook.
McFarlane.	Williamson.
Moore.	Witt.
Parrish.	Woodul.

Nays—6.

Berkeley.	Gainer.
Cunningham.	Miller.
DeBerry.	Stevenson.

Present—Not Voting.

Neal.

Absent.

Cousins.	Hardin.
----------	---------

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Senator Pollard sent up the following amendment:

Amend H. B. No. 170. Section A, by adding a subsection I as follows: such a system of auditing, bookkeeping, and system of accounts as will provide for a uniform system of auditing, bookkeeping, and system of accounts for every department of State.

POLLARD.

Read and adopted.

Senator Witt sent up the following amendment:

Amend H. B. No. 170 by striking from Section 4 the following words, "At the beginning of each session of the Legislature the said auditor shall make duplicate reports, one to the Senate and one to the House of Representatives," and substitute therefor the following: "The audits herein provided for shall be made and concluded as directed by the Governor, however, same in any

event shall be concluded and reports thereof made not later than thirty days before the convening of each regular session of the Legislature, and reports thereof furnished, one to the Governor, and."

WITT.

The amendment was read and adopted.

Senator Williamson sent up the following amendment:

Amend H. B. No. 170 by adding at the end of Section 4, the following: Nothing contained herein shall be construed as authorizing the State Auditor to employ or discharge any State employee other than those herein authorized to be appointed by him or his department.

WILLIAMSON.

The amendment was read.

Senator Woodul moved the previous question on the amendment and the passage of the bill to third reading. The motion prevailed by the following vote:

Yeas—18.

Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parrish.
Holbrook.	Pollard.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Woodul.

Nays—4.

Berkeley.	Stevenson.
Russek.	Witt.

Absent.

Cousins.	Patton.
Hardin.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The amendment was adopted.

The bill as amended passed to third reading.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 170 was put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Moore.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Present—Not Voting.

Neal.

Absent.

Cousins.	Hardin.
----------	---------

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Senator Williamson sent up the following amendment:

Amend H. B. No. 170 by striking from said Bill Sections 5 and 6, and substituting therefor Section 5 and re-numbering the succeeding sections. Section 5 to read as follows:

"The Board of Control is hereby authorized and directed to furnish said auditor, or auditors, suitable quarters, supplies and stationery for their use; the said sum of \$25,000, or so much thereof as may be necessary for the payment of all salaries and expenses necessary to the employment of said Auditor, or auditors, same to be payable in the same manner as other State officials are paid; no expenditures to be incurred, or payments made therefor, except upon approval of the Governor."

WILLIAMSON.

WITT.

The amendment was read.

Senator McFarlane moved to table the amendment. The motion prevailed.

Senator Williamson sent up the following amendment:

Amend H. B. No. 170 by striking out the words Lieutenant Governor and Speaker of the House of Representatives wherever they appear.

Amend caption to conform to the bill as amended.

WILLIAMSON.

Read and adopted by the following vote:

Yeas—18.

Berkeley.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Patton.
Holbrook.	Pollard.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Witt.
McFarlane.	Woodul.

Nays—4.

Miller.	Stevenson.
Russek.	Westbrook.

Absent.

Cousins.	Hardin.
Cunningham.	

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Senator Pollard sent up the following amendment:

Amend H. B. No. 170 by adding a new section to be known as Section 4(a), which shall read as follows:

Provided nothing in this Act shall be construed to authorize any change or changes in the auditing system of any department until and unless the Attorney General declares such changes to be in compliance with the present statutes pertaining thereto. Provided further that nothing in this Act shall be construed to authorize above mentioned auditor or auditors to make any adverse report on any department until the Attorney General's department has failed to comply with a provision or provisions of the statutes pertaining thereto.

POLLARD.

The amendment was read.

Senator Hornsby moved to table the amendment. The motion prevailed.

The bill finally passed by the following vote:

Yeas—22.

Berkeley.	Gainer.
Cunningham.	Greer.
DeBerry.	Holbrook.

Hornsby.	Patton.
Hyer.	Pollard.
Love.	Russek.
McFarlane.	Stevenson.
Miller.	Thomason.
Moore.	Williamson.
Neal.	Witt.
Parrish.	Woodul.

Nays—1.

Westbrook.

Absent.

Cousins

Hardin.

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 18, 1929.

Hon. Barry Biller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 55, A bill to be entitled "An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, and to authorize the Board of Control, by and with the consent of the Governor, to sell and dispose of any of the remainder of the lands situated in Cherokee county and formerly belonging to the Texas penitentiary system, and to authorize the Board of Control, by and with the consent of the Governor, to lease any and all of said lands owned by the State in Cherokee county for the purpose of prospecting for oil, gas and other minerals; repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

S. B. No. 11, A bill to be entitled "An Act fixing the compensation of District Attorneys in districts of three or more counties and prescribing

how the same shall be paid; and declaring an emergency."

With amendments.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Granted.

The Senate voted to grant the request of the House for a Free Conference Committee on H. B. No. 86.

The Chair appointed the following on the part of the Senate:

Senators Hornsby, Stevenson, Patton, Neal, and DeBerry.

House Bill No. 131.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 131, A bill to be entitled "An Act to better and protect membership and subordinate lodges of Fraternal Benefit Societies."

The committee report was adopted.

The bill was read second time.

Senator Love set up the following amendments:

Amend section 6 by adding at the end thereof the following:

It shall be the duty of such Fraternal Benefit Society desiring to be converted into a stock company to advise every member or policy holder of his right to subscribe for and purchase the stock of such stock life insurance company and of the amount of such stock for which he is entitled to subscribe and all other terms and conditions, (in a form to be approved by the Board of Insurance Commissioners) within ten days after such society shall have voted to so convert itself into a stock company.

Proof of depositing a letter addressed to all members or policyholders, conveying the advice in the approved form, herein provided for, shall be deemed proof of compliance with the foregoing requirements.

LOVE.

Read and adopted.

Amend H. B. No. 131 by Purl by inserting in Section 2 after the words "Shall be mailed to" the words "each member or policy holder of the society to their post office address as shown by the society records, and"

Also by adding at the end of Section 2 the following: Provided that

no such society shall convert itself into a mutual benefit or incorporated stock company except upon such terms and conditions as in the opinion of the Board of Insurance Commissioners of Texas shall fully protect the rights and interests of its members and policy holders; and the plan of such change shall be submitted to and approved by the Board of Insurance Commissioners before it shall be submitted to the members or policy holders and the subordinate lodges or branches as hereinbefore provided.

LOVE.

Read and adopted.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 was put on its second reading by the following vote:

Yeas—24.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Cousins.

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

The bill as amended passed to third reading.

On motion of Senator Moore the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.

Stevenson.	Williamson.
Thomason.	Witt.
Westbrook.	Woodul.

Absent—Excused.

Beck.	Small.
Cousins.	Wirtz.
Martin.	Woodward.
Parr.	

Read third time and finally passed by the following vote:

Yeas—24.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Cousins
Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Free Conference Committee Report.

Senator Hornsby sent up the following Free Conference Committee Report:

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate,

Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed by your respective bodies to consider the Senate Amendment to H. B. No. 86, have had same under consideration and have adjusted the differences, and beg to report thereon as follows:

That in lieu of the word "five" in the last line in Section 1 of the Bill, and in lieu of the word "three" as provided in the Senate Amendment, that said H. B. No. 86, shall be amended by striking out of the said last line of Section 1, said word

"five," and insert in lieu thereof the word "four."

Respectfully submitted,

HORNSBY,
NEAL,
STEVENSON,
DeBERRY,
PATTON.

On the part of the Senate:

WOODALL,
GRAVES, of Williamson,
STOREY,
HARRISON,
JOHNSON, of Dimmit,

On the part of the House:

Read and adopted by the following vote:

Yeas—24.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Cousins

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

House Bill No. 199.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 199, A bill to be entitled "An Act amending Article 5561 of the Revised Civil Statutes of the State of Texas, 1925, so as to provide that officers and jurors in lunacy cases shall be allowed compensation for similar services performed in misdemeanor cases in the justice courts, to be paid out of the estate of the defendant if he have an estate, otherwise by the county on accounts approved by the county judge."

The rule requiring committee reports to lie over 24 hours was suspended by two-thirds vote.

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 199 was put on its third reading and final passage, by the following vote:

Yeas—24.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Cousins.

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Read third time and finally passed by the following vote:

Yeas—24.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

Absent.

Cousins.

Absent—Excused.

Beck.	Small.
Martin.	Wirtz.
Parr.	Woodward.

Adjournment.

On motion of Senator Hyer, the Senate, at 5:55 o'clock p. m., adjourned until 10:00 o'clock Monday morning.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 37 carefully examined and compared and find the same correctly enrolled, and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 23 carefully examined and compared, and find the same correctly enrolled, and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 62 carefully examined and compared and find the same correctly enrolled, and have this day at 10:29 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 51 carefully examined and compared and find the same correctly enrolled, and have this day at 10:29 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 50 carefully examined and compared and find the same correctly enrolled, and have this day at 11:20

o'clock a. m. presented the same to the Governor for his approval.
WITT, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 49 carefully examined and compared and find the same correctly enrolled, and have this day at 11:20 o'clock a. m. presented the same to the Governor for his approval.
WITT, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 48 carefully examined and compared and find the same correctly enrolled, and have this day at 11:20 o'clock a. m. presented the same to the Governor for his approval.
WITT, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 145 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 36 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 93 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 86 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 22 carefully examined and compared and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Reports.

(Majority Report.)

Committee Room,
Austin, Texas, May 17, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

H. B. No. 104, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act, the standard of education and the qualifications for certificates of registration as a registered barber and as a registered assistant barber; providing for the examination of applicants by a Board for a

certificate of registration; providing the age, character, and habits of each person to whom a certificate may be issued as a practicing barber and as an assistant barber, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 17, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred

H. B. No. 104, A bill to be entitled "An Act relating to the practice of barbering."

Have had the same under consideration, and beg leave to differ with a majority of the Committee and report it back to the Senate with the recommendation that it do not pass.

BERKELEY.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 129, A bill to be entitled "An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691 and providing for the payment of the salary of said rural school supervisor in counties having a population of 37,000 to 37,800, according to the Federal Census of 1920, and a scholastic population of at least 10,000 as shown by the scholastic census report for the school year of 1927-28; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

H. B. No. 220, A bill to be entitled "An Act validating the actions of the county board of school trustees in changing boundary lines of common school districts in counties having a population of not less than 9,000 nor more than 9,010 according to the U. S. Federal census of 1920; giving the county board of school trustees in all counties authority to make changes in all common school districts, to create common school districts, to subdivide districts; providing in case any provision of this Act shall be held unconstitutional or invalid then such holdings shall not affect the remaining provisions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

H. B. No. 211, A bill to be entitled "An Act authorizing the commissioners' court of any county in this State having a population of not less than 11,800 and not more than 12,000, according to the last preceding Federal census to pay a bounty on wolves, wildcats and other predatory animals within said county, and providing for the levy of taxes at a rate not to exceed one-fourth of one mill on the total assessed valuation of the county for the purpose of creating a fund out of which to pay said bounties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We your Committee on State Affairs, to whom was referred

H. B. No. 183, A bill to be entitled

"An Act fixing the salary of the county commissioners of certain counties according to the tax rolls of 1928 on file in the office of the State Comptroller, repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Mining Irrigation and Drainage, to whom was referred

H. B. No. 204, A bill to be entitled "An Act to provide for the conversion of navigation districts created and organized under Section 52 of Article 3, of the Constitution of the State of Texas, into navigation districts under the Reclamation and Conservation provisions of Section 59 of Article 16 of the Constitution; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

STEVENSON, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 23, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

SMALL, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 228, A bill to be entitled "An Act amending Article 6869 of the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

SMALL, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 208, A bill to be entitled "An Act to amend Title 55, of the Revised Civil Statutes of the State of Texas, 1925, by adding thereto Article 3769a, providing that in the trial of any Civil suit or proceeding in any Justice Court, County Court or District Court of this State, either the plaintiff or the defendant shall have the right to call as a witness the adverse party or parties and further providing that the answers of such adverse party as a witness shall not deprive the other party of the right to introduce other evidence or impeach the witness or the witness' testimony and further providing that in the examination of such adverse party as a witness, the questions asked may be leading; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

HYER, Acting Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred,

S. B. No. 145, A bill to be entitled "An Act amending Section 6 of Chapter 234 of the General and Special Laws of the Regular Session of the 41st Legislature relating to courses of instruction in the Constitution of the United States in Educational Institutions of this State, so as to postpone the operation of said Act until on and after Sept-

ember 1, 1929; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, the majority of your Committee on Insurance to whom was referred

H. B. No. 131, A bill to be entitled "An Act to better assure and protect the membership and subordinate lodges of Fraternal Benefit Societies against sales and mergers of such societies without the consent of the local lodges and to provide a legal way whereby same may be done when it is desired to change such society into a mutual or stock company; providing ways and means for securing the approval of the members of such societies, as represented by the subordinate branches; giving the members preference in the way of stock ownership or mutual participation; and providing for a fair distribution of same among the membership; providing further that the new company so incorporated shall succeed to all contracts, liabilities, and property rights of the former society; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 192, A bill to be entitled "An Act dealing with the compensation of Grand Jury Bailiffs pay of Bexar County, Texas, and automobile expenses."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

HOLBROOK, Vice-Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 181, A bill to be entitled "An Act to amend Article 2372 of Title 44, Revised Civil Statutes of Texas of 1925, providing for pay of Court Interpreters and prescribing such."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

MILLER, Vice-Chairman.

Committee Room,

Austin, Texas, May 17, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

H. B. No. 32, A bill to be entitled "An Act to provide that the transcribed notes of the official stenographer of the evidence in any Civil case tried in any District or County Court of this State may be read in evidence upon subsequent trial of any such case; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HYER, Temporary Chairman.

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 25, A bill to be entitled "An Act authorizing the County Board of Trustees of each organized county to detach from one and add to another school district territory contiguous to the common boundary line of the districts affected; providing for the adjustment of outstanding indebtedness; repealing laws in conflict; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 4, A bill to be entitled "An Act to amend Articles 2745, 2747 Revised Civil Statutes 1925, pertaining to the term of offices of trustees in Common School Districts; providing for filling vacancies in said office; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 190, A bill to be entitled, "An Act amending Chapter 46, Page 138, Section 1, of the Acts of the First Called Session of the 40th Legislature of Texas, and providing that County Commissioners of counties having a population of not more than 5815 nor less than 5801 at the preceding Federal Census, and which have an area of not more than 975 square miles nor less than 970 square miles and which have an assessed valuation of not more than Seven Million Five Hundred Thousand Dollars nor less than Six Million Five Hundred Thousand Dollars, and which do not contain a town or city of 2600 or more, shall receive a salary of Seven Dollars and fifty cents per day for each day the Commissioner actually serves as such and in no case shall such salary exceed the sum of Four Hundred and Fifty Dollars, per annum; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill that it be not printed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 18, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred.

H. B. No. 217, A bill to be entitled "An Act prescribing the kind of tackle and method of taking fish in the fresh waters in certain counties and prohibiting all other tackle; prohibiting possession of any tackle not authorized by this Act within two hundred yards of any fresh waters mentioned herein; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species of fish in said counties; etc., * * * and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

MILLER, Vice-Chairman.

Committee Room,
Austin, Texas, May 17, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred,

H. B. No. 188, A bill to be entitled "An Act creating a special road law for Henderson County, Texas; requiring surety bonds of road overseers, containing provisions that said county may fund the legal indebtedness outstanding as of January 1, 1929; providing limitations upon the issuance of warrants for Road and Bridge purposes and exceptions therefrom; setting forth the method of said operation; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

MILLER, Vice-Chairman.

(Majority Report).

Committee Room,
Austin, Texas, May 17, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Public Health, to whom was referred,

H. B. No. 122, A bill to be entitled "An Act to provide for the sexual

sterilization of inmates of State Institutions in certain cases, prescribing the method of procedure and fixing duties of officials concerned therewith; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, May 18, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Public Health, to whom was referred

H. B. No. 122, A bill to be entitled "An Act to provide for the sexual sterilization of inmates of State institutions in certain cases, prescribing the method of procedure and fixing duties of officials concerned therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

BERKELEY,
HOLBROOK.

(Engrossed Rider)

Amendment.

Amend H. B. No. 122 by inserting after the word "determined" in Section 4, line 12, page 4, the following:

"Provided that on appeal to the district court from any proceedings of said Board of Control, nothing in this Act shall be construed as depriving any person of the right of trial by jury, whenever the patient, guardian, or any of his or her relatives demand a jury trial."

HARRISON,
STOREY.

May 17, 1929, adopted.

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

By Kincaid, et al. H. B. No. 122.

A BILL

To Be Entitled

An Act to provide for the sexual sterilization of inmates of State institutions in certain cases, prescribing the method of procedure and fixing duties of officials con-

cerned therewith; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That it shall be the duty of the Superintendent of the Austin State Hospital, North Austin; Abilene State Hospital, Abilene; Austin State School, West Austin; Rusk State Hospital, Rusk; San Antonio State Hospital, San Antonio; Terrell State Hospital, Terrell; Wichita Falls State Hospital, Wichita Falls; to examine into the innate traits, the mental and physical conditions, the personal records and family histories of all inmates and patients of such institutions under his care and if of the opinion that it is for the best interest of society that any inmate of the institution under his care should be sexually sterilized such superintendent is hereby authorized to perform or cause to be performed by some capable physician or surgeon the operation of sterilization on any such person confined in such institution afflicted with hereditary form of insanity, idiocy, feeble-mindedness or epilepsy; provided that such superintendent shall have first complied with the requirements of this Act.

Sec. 2. Such superintendent shall first present to the State Board of Control of his institution a petition stating the facts of the grounds of his opinion, verified by his affidavit to the best of his knowledge and belief, and praying that an order may be entered by said Board requiring him to perform or to have performed by some competent and capable physician to be designated by him in his said petition or by said Board in its order, an appropriate sterilization operation upon the inmate of his institution who is mentioned in such petition.

A copy of said petition must be served upon the inmate together with a notice in writing designating the time and place in the State institution not less than thirty days before the presentation of said petition to said Board of Control wherein said Board may hear and act upon said petition.

A copy of said petition and notice shall also be served upon the legal guardian or parents of the said inmate if such guardian or parent be known to the said Superintendent,

and if there be no such guardian or parents or none such be known to the said Superintendent then the said Superintendent shall apply to the district court of the county in which his said institution is situated, or to the judge thereof in vacation, who by a proper order entered upon the docket of said court shall appoint some suitable person to act as guardian of the said inmate during and for the purpose of proceeding under this Act, to define the rights and interest of the said inmate and the guardian so appointed shall be paid by the said institution a fee of not exceeding Twenty-five (\$25.00) Dollars as may be determined by the judge of the said court for his services under said appointment and such guardian shall be served likewise with a copy of the aforesaid petition and notice. Such guardian may for cause be removed or discharged at any time by the said court or the judge thereof in vacation and a new guardian appointed and substituted in his place.

If the said inmate be an infant having living parents whose names and address is known to the Superintendent, they or either of them as the case may be shall be served likewise with a copy of said petition and notice.

After the notice required by this Act shall have been so given the said Board of Control at the time and place named therein, with such reasonable continuances from time to time and from place to place as the said Board of Control may determine, shall proceed to hear and consider the said petition and the evidence offered in support thereof and against the same, provided that the said Board shall see to it that the said inmate shall have opportunity and leave to attend the said hearings in person if desired by him or if requested by his guardian or parent served with the notice and petition aforesaid.

The said Board may receive and consider as evidence in the said hearing the commitment papers and other records of the said inmate with or in any of the aforesaid named institutions as certified by the Superintendent or Superintendents thereof, together with such other legal evidence as may be offered by any party to the proceeding.

Any member of said Board shall have power to administer oaths to any witnesses at such hearing. Depositions may be taken by any party after due notice and read in evidence if otherwise pertinent, same to be taken in the manner and method now provided by law for taking depositions in civil suits.

The said Board shall preserve and keep all record evidence offered at such hearings and shall have reduced to writing all oral testimony so heard to be kept with its records.

Any party to the said proceedings shall have the right to be represented by counsel at such hearings.

Sec. 3. The said Board may deny the prayer of said petition or if the said Board shall find that the said inmate is insane, idiotic, imbecile, feeble-minded or epileptic, and by the laws of heredity is a probable potential parent of socially inadequate offspring likewise afflicted, that the said inmate may be sexually sterilized without detriment to his or her general health, and that the welfare of society will be promoted by such sterilization, the said Board may order the said Superintendent to perform or to have performed by some competent and capable physician to be named in such order upon the said inmate, after not less than thirty days from the date of such order, an appropriate sterilization operation; provided that nothing in this Act shall be construed to authorize the operation of castration nor the removal of sound organs from the body.

Sec. 4. From any order so entered by the said Board of Control the said Superintendent or the said inmate or his guardian or parents shall within thirty days after the date of such order have the right of appeal to the district court of the county in which the said institution is situated, which appeal may be taken by giving notice thereof in writing to any member of the said Board of Control and to other parties to the said proceeding, whereupon the said Superintendent shall forthwith cause a copy of the petition, notice, evidence and orders of the said Board of Control and to the other parties to the said proceedings by any other member thereof, to the clerk of the said district court, who shall file the same and

docket the appeal to be heard and determined by the said court as soon thereafter as may be practicable.

The said District Court in determining such appeal may consider the record of the proceedings before the said Board of Control, including the evidence therein appearing together with such other legal evidence as the said Court may consider pertinent and proper that may be offered to the said Court by any party to the appeal.

Upon such appeal the said District Court may affirm, revise or reverse the orders of the said Board of Control appealed from and may enter such order as it deems just become self-supporting with benefit to the said Board of Control.

The pendency of such appeal shall stay proceedings under the order of the Board of Control until the appeal be determined.

Sec. 5. Any party to such appeal in the District Court may within thirty days after date of the final order therein take an appeal to the Court of Civil Appeals in the manner and form now provided for such appeals in Civil cases insofar as not in conflict with the provisions of this Law. Such Court of Civil Appeals shall have jurisdiction to hear and determine said appeal the same as in other Civil cases and appeal may likewise be made to the Supreme Court in the manner and form now authorized for appeals in Civil cases. The pendency of an appeal in the Court of Civil Appeals and the Supreme Court shall operate as a stay of proceedings under any order of the Board of Control or the District Court until the appeal shall be determined by said Appellate Court.

Sec. 6. Neither any of said Superintendents nor any other person legally participating in the execu-

tion of the provisions of this Act shall be liable either Civilly or Criminally on account of such participation.

Sec. 7. Nothing in this Act shall be construed so as to prevent the medical or surgical treatment for sound therapeutic reasons of any person in this State, by a Physician or surgeon licensed by this State, which treatment may incidentally involve the nullification or destruction of the reproductive functions.

Sec. 8. The fact that there are now no adequate laws providing for sexual sterilization of inmates in State Institutions and the further fact that human experience has demonstrated that heredity plays an important part in the transmission of idiocy, feeble-mindedness, insanity, epilepsy and other degeneracies and that the State of Texas has in custodial care and is supporting in various State Institutions many mentally defective persons, who if now discharged or paroled would likely become by the propagation of their kind a menace to society but who if incapable of procreating might safely be discharged or paroled and and right and which it shall certify to both themselves and society, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read upon three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

Reason for Vote.

On S. B. No. 95 I voted on final passage for the purpose of making the motion to reconsider so the bill could be considered and if possible be defeated.

DeBERRY.

**In Memory
of
Honorable Frank P. Smith**

Simple Resolution No. 22.

Senator Westbrook sent up the following resolution:

Whereas, Hon. Frank P. Smith of Gainesville, Texas, departed this life on May 7, 1929, at the ripe old age of seventy-six years, and,

Whereas, He had spent forty-two years of his life in the public service of Texas, ten years as District Clerk of Bosque County, six years in the State Comptroller's Department, six years in the Secretary of State's Office, and twenty years as Engrossing Clerk in the State Senate of Texas, and,

Whereas, his conduct as Engrossing Clerk in this body was always courteous and thoughtful of each member's welfare, and his service acceptable and efficient, therefore, be it

Resolved by the Senate that we extend to his bereaved family our most heartfelt sympathy, and be it further resolved that a page of the Senate Journal be set apart to his memory, and that a copy of this resolution be sent to his widow, Mrs. Frank P. Smith.

WESTBROOK.

Read and adopted unanimously by a rising vote.